

By: 

S.B. No. 1797

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Victoria County Groundwater Conservation District; providing authority to impose a tax and issue bonds; abolishing the Crossroads Groundwater Conservation District.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle H, Title 6, Special District Local Laws Code, is amended by adding Chapter 8812 to read as follows:

CHAPTER 8812. VICTORIA COUNTY GROUNDWATER

CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8812.001. DEFINITIONS. In this chapter:

(1) "Board" means the board of directors of the district.

(2) "Director" means a member of the board.

(3) "District" means the Victoria County Groundwater Conservation District.

Sec. 8812.002. NATURE OF DISTRICT. The district is a groundwater conservation district in Victoria County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8812.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held before September 1, 2010:

1 (1) the district is dissolved on September 1, 2010,
2 except that:

3 (A) any debts incurred shall be paid;

4 (B) any assets that remain after the payment of
5 debts shall be transferred to Victoria County; and

6 (C) the organization of the district shall be
7 maintained until all debts are paid and remaining assets are
8 transferred; and

9 (2) this chapter expires on September 1, 2013.

10 Sec. 8812.004. INITIAL DISTRICT TERRITORY. The initial
11 boundaries of the district are coextensive with the boundaries of
12 Victoria County, Texas.

13 Sec. 8812.005. APPLICABILITY OF OTHER GROUNDWATER
14 CONSERVATION DISTRICT LAW. Except as otherwise provided by this
15 chapter, Chapter 36, Water Code, applies to the district.

16 [Sections 8812.006-8812.020 reserved for expansion]

17 SUBCHAPTER A-1. TEMPORARY PROVISIONS

18 Sec. 8812.021. APPOINTMENT OF TEMPORARY DIRECTORS. (a)
19 Not later than the 10th day after September 1, 2005, the Victoria
20 County Commissioners Court shall appoint five temporary directors
21 as follows:

22 (1) one temporary director shall be appointed from
23 each of the four commissioner precincts in the county to represent
24 the precinct in which the temporary director resides; and

25 (2) one temporary director who resides in the district
26 shall be appointed to represent the district at large.

27 (b) If there is a vacancy on the temporary board of

1 directors of the district, the remaining temporary directors shall
2 select a qualified person to fill the vacancy. If, at any time,
3 there are fewer than three qualified temporary directors, the
4 Victoria County Commissioners Court shall appoint the necessary
5 number of persons to fill all vacancies on the board.

6 (c) To be eligible to serve as a temporary director, a
7 person must be a resident of Victoria County and at least 18 years
8 of age.

9 (d) Temporary directors serve until the earlier of:

10 (1) the time the temporary directors become initial
11 directors as provided by Section 8812.024; or

12 (2) the date this chapter expires under Section
13 8812.003.

14 Sec. 8812.022. ORGANIZATIONAL MEETING OF TEMPORARY
15 DIRECTORS. As soon as practicable after all the temporary
16 directors have qualified under Section 36.055, Water Code, a
17 majority of the temporary directors shall convene the
18 organizational meeting of the district at a location within the
19 district agreeable to a majority of the directors. If an agreement
20 on location cannot be reached, the organizational meeting shall be
21 at the Victoria County Courthouse. At the meeting, the temporary
22 directors shall elect a chair, vice chair, and secretary from among
23 the temporary directors.

24 Sec. 8812.023. CONFIRMATION ELECTION. (a) Not later than
25 the 30th day after September 1, 2005, the temporary board shall
26 order an election to be held not later than the 120th day after
27 September 1, 2005, to confirm the creation of the district.

1 (b) Section 41.001(a), Election Code, does not apply to a
2 confirmation election held as provided by this section.

3 (c) The ballot for the election must be printed to permit
4 voting for or against the following propositions:

5 (1) the creation of the district; and

6 (2) the imposition of an ad valorem tax in the district
7 at a rate not to exceed two cents for each \$100 of assessed
8 valuation.

9 (d) The temporary board may include any other proposition on
10 the ballot that it considers necessary.

11 (e) Except as provided by this section, a confirmation
12 election must be conducted as provided by Section 36.017(b)-(i),
13 Water Code, and the Election Code. The provision of Section
14 36.017(d), Water Code, relating to the election of permanent
15 directors does not apply to a confirmation election under this
16 section.

17 (f) If the creation of the district is not confirmed at a
18 confirmation election held under this section, the board may hold
19 another confirmation election not sooner than the first anniversary
20 of the most recent confirmation election.

21 Sec. 8812.024. INITIAL DIRECTORS. (a) If creation of the
22 district is confirmed at an election held under Section 8812.023,
23 the temporary directors of the district become the initial
24 directors of the district and serve on the board of directors until
25 permanent directors are elected under Section 8812.025.

26 (b) The directors for county commissioner precincts one and
27 three serve until the first regularly scheduled election of

1 directors under Section 8812.025. The directors for precincts two
2 and four and the director at large serve until the second regularly
3 scheduled election of directors under Section 8812.025.

4 Sec. 8812.025. INITIAL ELECTION OF PERMANENT DIRECTORS. On
5 the uniform election date prescribed by Section 41.001, Election
6 Code, in November of the first even-numbered year after the year in
7 which the creation of the district is confirmed at an election held
8 under Section 8812.023, an election shall be held in the district
9 for the election of two directors to replace the initial directors
10 who, under Section 8812.024(b), serve until that election.

11 Sec. 8812.026. EXPIRATION OF SUBCHAPTER. This subchapter
12 expires September 1, 2013.

13 [Sections 8812.027-8812.050 reserved for expansion]

14 SUBCHAPTER B. BOARD OF DIRECTORS

15 Sec. 8812.051. DIRECTORS; TERMS. (a) The district is
16 governed by a board of five directors.

17 (b) Directors serve staggered four-year terms.

18 Sec. 8812.052. METHOD OF ELECTING DIRECTORS: COMMISSIONERS
19 PRECINCTS. (a) The directors of the district shall be elected
20 according to the commissioners precinct method as provided by this
21 section.

22 (b) One director shall be elected by the voters of the
23 entire district, and one director shall be elected from each county
24 commissioners precinct by the voters of that precinct.

25 (c) Except as provided by Subsection (e), to be eligible to
26 be a candidate for or to serve as director at large, a person must be
27 at least 18 years of age and a resident of the district. To be a

1 candidate for or to serve as director from a county commissioners
2 precinct, a person must be at least 18 years of age and a resident of
3 that precinct.

4 (d) A person shall indicate on the application for a place
5 on the ballot:

6 (1) the precinct that the person seeks to represent;

7 or

8 (2) that the person seeks to represent the district at
9 large.

10 (e) When the boundaries of the county commissioners
11 precincts are redrawn after each federal decennial census to
12 reflect population changes, a director in office on the effective
13 date of the change, or a director elected or appointed before the
14 effective date of the change whose term of office begins on or after
15 the effective date of the change, shall serve in the precinct to
16 which elected or appointed even though the change in boundaries
17 places the person's residence outside the precinct for which the
18 person was elected or appointed.

19 Sec. 8812.053. ELECTION DATE. The district shall hold an
20 election to elect the appropriate number of directors on the
21 uniform election date prescribed by Section 41.001, Election Code,
22 in November of each even-numbered year.

23 Sec. 8812.054. VACANCIES. A vacancy on the board shall be
24 filled by appointment of the board until the next regularly
25 scheduled directors' election. The person appointed to fill the
26 vacancy shall serve only for the remainder of the unexpired term.

27 [Sections 8812.055-8812.100 reserved for expansion]

1 SUBCHAPTER C. POWERS AND DUTIES

2 Sec. 8812.101. PROHIBITION ON DISTRICT USE OF EMINENT
3 DOMAIN. The district may not exercise the power of eminent domain.

4 [Sections 8812.102-8812.150 reserved for expansion]

5 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

6 Sec. 8812.151. LIMITATION ON TAXES. The district may not
7 impose ad valorem taxes at a rate that exceeds two cents on each
8 \$100 of assessed valuation of taxable property in the district.

9 SECTION 2. Chapter 1332, Acts of the 77th Legislature,
10 Regular Session, 2001, is repealed.

11 SECTION 3. (a) The legal notice of the intention to
12 introduce this Act, setting forth the general substance of this
13 Act, has been published as provided by law, and the notice and a
14 copy of this Act have been furnished to all persons, agencies,
15 officials, or entities to which they are required to be furnished
16 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
17 Government Code.

18 (b) The governor has submitted the notice and Act to the
19 Texas Commission on Environmental Quality.

20 (c) The Texas Commission on Environmental Quality has filed
21 its recommendations relating to this Act with the governor,
22 lieutenant governor, and speaker of the house of representatives
23 within the required time.

24 (d) All requirements of the constitution and laws of this
25 state and the rules and procedures of the legislature with respect
26 to the notice, introduction, and passage of this Act are fulfilled
27 and accomplished.

1 SECTION 4. This Act takes effect September 1, 2005.

BILL ANALYSIS

Senate Research Center
79R7190 HLT-F

S.B. 1797
By: Armbrister
Natural Resources
4/26/2005
As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

As proposed, S.B. 1797 creates, subject to voter approval, the Victoria County Groundwater Conservation District in Victoria County, and abolishes the Crossroads Groundwater Conservation District.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle H, Title 6, Special District Local Laws Code, by adding Chapter 8812, as follows:

CHAPTER 8812. VICTORIA COUNTY GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8812.001. DEFINITIONS. Defines "board," "director," and "district."

Sec. 8812.002. NATURE OF DISTRICT. Provides that the Victoria County Groundwater Conservation District (district) is a groundwater conservation district in Victoria County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8812.003. CONFIRMATION ELECTION REQUIRED. Sets forth the subsequent events if the creation of the district is not confirmed at a confirmation election held before September 1, 2010.

Sec. 8812.004. INITIAL DISTRICT TERRITORY. Provides that the initial boundaries of the district are coextensive with the boundaries of Victoria County, Texas.

Sec. 8812.005. APPLICABILITY OF OTHER GROUNDWATER CONSERVATION DISTRICT LAW. Provides that, except as otherwise provided by this chapter, Chapter 36 (Groundwater Conservation Districts), Water Code, applies to the district.

[Reserves Sections 8812.006-8812.020 for expansion.]

SUBCHAPTER A-1. TEMPORARY PROVISIONS

Sec. 8812.021. APPOINTMENT OF TEMPORARY DIRECTORS. (a) Requires the Victoria County Commissioners Court to appoint five temporary directors in a certain manner not later than the 10th day after September 1, 2005.

(b) Requires, if there is a vacancy on the temporary board of directors (board) of the district, the remaining temporary directors to select a qualified person to fill the vacancy. Requires the Victoria County Commissioners Court to appoint the

necessary number of persons to fill all vacancies on the board if, at any time, there are fewer than three qualified temporary directors.

(c) Requires a person to be a resident of Victoria County and at least 18 years of age to be eligible to serve as a temporary director.

(d) Sets forth the dates to which temporary directors serve.

Sec. 8812.022. ORGANIZATIONAL MEETING OF TEMPORARY DIRECTORS. Requires, as soon as practicable after all the temporary directors have qualified under Section 36.055 (Sworn Statement, Bond, and Oath of Office), Water Code, a majority of the temporary directors to convene the organizational meeting of the district at a location within the district agreeable to a majority of the directors. Requires, if an agreement on location cannot be reached, the organizational meeting to be at the Victoria County Courthouse. Requires the temporary directors to elect a chair, vice chair, and secretary from among the temporary directors at the meeting.

Sec. 8812.023. CONFIRMATION ELECTION. (a) Requires the temporary board, not later than the 30th day after September 1, 2005, to order an election to be held not later than the 120th day after September 1, 2005, to confirm the creation of the district.

(b) Provides that Section 41.001(a) (relating to dates of general and special elections), Election Code, does not apply to a confirmation election held as provided by this section.

(c) Requires the ballot for the election to be printed to permit voting for or against certain propositions.

(d) Authorizes the temporary board to include any other proposition on the ballot that it considers necessary.

(e) Requires, except as provided by this section, a confirmation election to be conducted as provided by Section 36.017(b)-(i) (relating to confirmation and directors' elections for a district), Water Code, and the Election Code. Provides that the provision of Section 36.017(d), Water Code, relating to the election of permanent directors does not apply to a confirmation election under this section.

(f) Authorizes the board, if the creation of the district is not confirmed at a confirmation election held under this section, to hold another confirmation election not sooner than the first anniversary of the most recent confirmation election.

Sec. 8812.024. INITIAL DIRECTORS. (a) Provides that, if creation of the district is confirmed at an election held under Section 8812.023, the temporary directors of the district become the initial directors of the district and serve on the board of directors until permanent directors are elected under Section 8812.025.

(b) Provides that the directors for county commissioner precincts one and three serve until the first regularly scheduled election of directors under Section 8812.025. Provides that the directors for precincts two and four and the director at large serve until the second regularly scheduled election of directors under Section 8812.025.

Sec. 8812.025. INITIAL ELECTION OF PERMANENT DIRECTORS. Requires, on the uniform election date prescribed by Section 41.001, Election Code, in November of the first even-numbered year after the year in which the creation of the district is confirmed at an election held under Section 8812.023, an election to be held in the district for the election of two directors to replace the initial directors who, under Section 8812.024(b), serve until that election.

Sec. 8812.026. EXPIRATION OF SUBCHAPTER. Provides that this subchapter expires September 1, 2013.

[Reserves Sections 8812.027-8812.050 for expansion.]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8812.051. DIRECTORS; TERMS. (a) Provides that the district is governed by a board of five directors who serve staggered four-year terms.

Sec. 8812.052. METHOD OF ELECTING DIRECTORS: COMMISSIONERS PRECINCTS. (a) Requires the directors of the district to be elected according to the commissioners precinct method as provided by this section.

(b) Requires one director to be elected by the voters of the entire district, and one director to be elected from each county commissioners precinct by the voters of that precinct.

(c) Requires a person to be at least 18 years of age and a resident of the district, except as provided by Subsection (e), to be eligible to be a candidate for or to serve as director at large. Requires a person to be at least 18 years of age and a resident of that precinct to be a candidate for or to serve as director from a county commissioners precinct.

(d) Requires a person to indicate certain information on the application for a place on the ballot.

(e) Requires a director in office on the effective date of a change in precinct boundaries due to redistricting following each federal decennial census, or a director elected or appointed before the effective date of the change whose term of office begins on or after the effective date of the change, to serve in the precinct to which elected or appointed even though the change in boundaries places the person's residence outside the precinct for which the person was elected or appointed.

Sec. 8812.053. ELECTION DATE. Requires the district to hold an election to elect the appropriate number of directors on the uniform election date prescribed by Section 41.001, Election Code, in November of each even-numbered year.

Sec. 8812.054. VACANCIES. Requires a vacancy on the board to be filled by appointment of the board until the next regularly scheduled directors' election. Requires the person appointed to fill the vacancy to serve only for the remainder of the unexpired term.

[Reserves Sections 8812.055-8812.100 for expansion.]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8812.101. PROHIBITION ON DISTRICT USE OF EMINENT DOMAIN. Prohibits the district from exercising the power of eminent domain.

[Reserves Sections 8812.102-8812.150 for expansion.]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8812.151. LIMITATION ON TAXES. Prohibits the district from imposing ad valorem taxes at a rate that exceeds two cents on each \$100 of assessed valuation of taxable property in the district.

SECTION 2. Repealer: Chapter 1332, Acts of the 77th Legislature, Regular Session, 2001.

SECTION 3. Provides that all the requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 4. Effective date: September 1, 2005.

By: Armbrister S.B. No. 1797
(In the Senate - Filed March 21, 2005; March 30, 2005, read first time and referred to Committee on Natural Resources; April 29, 2005, reported adversely, with favorable Committee Substitute by the following vote: Yeas 8, Nays 0; April 29, 2005, sent to printer.)

COMMITTEE SUBSTITUTE FOR S.B. No. 1797 By: Armbrister

A BILL TO BE ENTITLED
AN ACT

relating to the creation of the Victoria County Groundwater Conservation District; providing authority to impose a tax and issue bonds; abolishing the Crossroads Groundwater Conservation District.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle H, Title 6, Special District Local Laws Code, is amended by adding Chapter 8812 to read as follows:

CHAPTER 8812. VICTORIA COUNTY GROUNDWATER

CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8812.001. DEFINITIONS. In this chapter:

(1) "Board" means the board of directors of the district.

(2) "Director" means a member of the board.

(3) "District" means the Victoria County Groundwater Conservation District.

Sec. 8812.002. NATURE OF DISTRICT. The district is a groundwater conservation district in Victoria County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8812.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held before September 1, 2010:

(1) the district is dissolved on September 1, 2010, except that:

(A) any debts incurred shall be paid;

(B) any assets that remain after the payment of debts shall be transferred to Victoria County; and

(C) the organization of the district shall be maintained until all debts are paid and remaining assets are transferred; and

(2) this chapter expires on September 1, 2013.

Sec. 8812.004. INITIAL DISTRICT TERRITORY. The initial boundaries of the district are coextensive with the boundaries of Victoria County, Texas.

Sec. 8812.005. APPLICABILITY OF OTHER GROUNDWATER CONSERVATION DISTRICT LAW. Except as otherwise provided by this chapter, Chapter 36, Water Code, applies to the district.

[Sections 8812.006-8812.020 reserved for expansion]

SUBCHAPTER A-1. TEMPORARY PROVISIONS

Sec. 8812.021. APPOINTMENT OF TEMPORARY DIRECTORS.

(a) Not later than the 10th day after September 1, 2005, the Victoria County Commissioners Court shall appoint five temporary directors as follows:

(1) one temporary director shall be appointed from each of the four commissioner precincts in the county to represent the precinct in which the temporary director resides; and

(2) one temporary director who resides in the district shall be appointed to represent the district at large.

(b) If there is a vacancy on the temporary board of directors of the district, the remaining temporary directors shall select a qualified person to fill the vacancy. If, at any time, there are fewer than three qualified temporary directors, the Victoria County Commissioners Court shall appoint the necessary

number of persons to fill all vacancies on the board.

(c) To be eligible to serve as a temporary director, a person must be a resident of Victoria County and at least 18 years of age.

(d) Temporary directors serve until the earlier of:

(1) the time the temporary directors become initial directors as provided by Section 8812.024; or

(2) the date this chapter expires under Section 8812.003.

Sec. 8812.022. ORGANIZATIONAL MEETING OF TEMPORARY DIRECTORS. As soon as practicable after all the temporary directors have qualified under Section 36.055, Water Code, a majority of the temporary directors shall convene the organizational meeting of the district at a location within the district agreeable to a majority of the directors. If an agreement on location cannot be reached, the organizational meeting shall be at the Victoria County Courthouse. At the meeting, the temporary directors shall elect a chair, vice chair, and secretary from among the temporary directors.

Sec. 8812.023. CONFIRMATION ELECTION. (a) Not later than the 30th day after September 1, 2005, the temporary board shall order an election to be held not later than the 120th day after September 1, 2005, to confirm the creation of the district.

(b) Section 41.001(a), Election Code, does not apply to a confirmation election held as provided by this section.

(c) The ballot for the election must be printed to permit voting for or against the following proposition: "The creation of the Victoria County Groundwater Conservation District and the imposition of an ad valorem tax in the district at a rate not to exceed two cents for each \$100 of assessed valuation."

(d) The temporary board may include any other proposition on the ballot that it considers necessary.

(e) Except as provided by this section, a confirmation election must be conducted as provided by Section 36.017(b)-(i), Water Code, and the Election Code. The provision of Section 36.017(d), Water Code, relating to the election of permanent directors does not apply to a confirmation election under this section.

(f) If the creation of the district is not confirmed at a confirmation election held under this section, the board may hold another confirmation election not sooner than the first anniversary of the most recent confirmation election.

Sec. 8812.024. INITIAL DIRECTORS. (a) If creation of the district is confirmed at an election held under Section 8812.023, the temporary directors of the district become the initial directors of the district and serve on the board of directors until permanent directors are elected under Section 8812.025.

(b) The directors for county commissioner precincts one and three serve until the first regularly scheduled election of directors under Section 8812.025. The directors for precincts two and four and the director at large serve until the second regularly scheduled election of directors under Section 8812.025.

Sec. 8812.025. INITIAL ELECTION OF PERMANENT DIRECTORS. On the uniform election date prescribed by Section 41.001, Election Code, in November of the first even-numbered year after the year in which the creation of the district is confirmed at an election held under Section 8812.023, an election shall be held in the district for the election of two directors to replace the initial directors who, under Section 8812.024(b), serve until that election.

Sec. 8812.026. EXPIRATION OF SUBCHAPTER. This subchapter expires September 1, 2013.

[Sections 8812.027-8812.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8812.051. DIRECTORS; TERMS. (a) The district is governed by a board of five directors.

(b) Directors serve staggered four-year terms.

Sec. 8812.052. METHOD OF ELECTING DIRECTORS: COMMISSIONERS PRECINCTS. (a) The directors of the district shall be elected according to the commissioners precinct method as provided by this

section.

(b) One director shall be elected by the voters of the entire district, and one director shall be elected from each county commissioners precinct by the voters of that precinct.

(c) Except as provided by Subsection (e), to be eligible to be a candidate for or to serve as director at large, a person must be at least 18 years of age and a resident of the district. To be a candidate for or to serve as director from a county commissioners precinct, a person must be at least 18 years of age and a resident of that precinct.

(d) A person shall indicate on the application for a place on the ballot:

(1) the precinct that the person seeks to represent;
or

(2) that the person seeks to represent the district at large.

(e) When the boundaries of the county commissioners precincts are redrawn after each federal decennial census to reflect population changes, a director in office on the effective date of the change, or a director elected or appointed before the effective date of the change whose term of office begins on or after the effective date of the change, shall serve in the precinct to which elected or appointed even though the change in boundaries places the person's residence outside the precinct for which the person was elected or appointed.

Sec. 8812.053. ELECTION DATE. The district shall hold an election to elect the appropriate number of directors on the uniform election date prescribed by Section 41.001, Election Code, in November of each even-numbered year.

Sec. 8812.054. VACANCIES. A vacancy on the board shall be filled by appointment of the board until the next regularly scheduled directors' election. The person appointed to fill the vacancy shall serve only for the remainder of the unexpired term.

[Sections 8812.055-8812.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8812.101. PROHIBITION ON DISTRICT USE OF EMINENT DOMAIN. The district may not exercise the power of eminent domain.

[Sections 8812.102-8812.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8812.151. LIMITATION ON TAXES. The district may not impose ad valorem taxes at a rate that exceeds two cents on each \$100 of assessed valuation of taxable property in the district.

SECTION 2. Chapter 1332, Acts of the 77th Legislature, Regular Session, 2001, is repealed.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 4. This Act takes effect September 1, 2005.

* * * * *

FAVORABLY AS SUBSTITUTED
SENATE COMMITTEE REPORT ON

(SB) SCR SJR SR HB HCR HJR 1797
By Armbrister
(Author/Senate Sponsor)
4/29/05
(date)

We, your Committee on NATURAL RESOURCES, to which was referred the attached measure,
have on 4/26/05, had the same under consideration and I am instructed to report it
(date of hearing)
back with the recommendation (s) that it:

- ☒ do pass as substituted, and be printed
☒ the caption remained the same as original measure
☐ the caption changed with adoption of the substitute
☐ do pass as substituted, and be ordered not printed
☒ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☒ yes ☐ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Armbrister, Chair	<input checked="" type="checkbox"/>			
Senator Jackson, Vice-Chair			<input checked="" type="checkbox"/>	
Senator Barrientos	<input checked="" type="checkbox"/>			
Senator Duncan			<input checked="" type="checkbox"/>	
Senator Estes	<input checked="" type="checkbox"/>			
Senator Fraser	<input checked="" type="checkbox"/>			
Senator Hinojosa	<input checked="" type="checkbox"/>			
Senator Lindsay	<input checked="" type="checkbox"/>			
Senator Madla			<input checked="" type="checkbox"/>	
Senator Seliger	<input checked="" type="checkbox"/>			
Senator Staples	<input checked="" type="checkbox"/>			
TOTAL VOTES	8	0	3	0

COMMITTEE ACTION

S260 Considered in public hearing
W/ Testimony taken

Volley C. Gilhert
COMMITTEE CLERK

Ken Armit
CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill along with TWO copies of the Committee Substitute
Retain one copy of this form for Committee files

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1797
By: Armbrister
Natural Resources
4/28/2005
Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

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SECTION BY SECTION ANALYSIS

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Sec. 8812.003. CONFIRMATION ELECTION REQUIRED. Sets forth the subsequent events if the creation of the district is not confirmed at a confirmation election held before September 1, 2010.

Sec. 8812.004. INITIAL DISTRICT TERRITORY. Provides that the initial boundaries of the district are coextensive with the boundaries of Victoria County, Texas.

Sec. 8812.005. APPLICABILITY OF OTHER GROUNDWATER CONSERVATION DISTRICT LAW. Provides that, except as otherwise provided by this chapter, Chapter 36 (Groundwater Conservation Districts), Water Code, applies to the district.

[Reserves Sections 8812.006-8812.020 for expansion.]

SUBCHAPTER A-1. TEMPORARY PROVISIONS

Sec. 8812.021. APPOINTMENT OF TEMPORARY DIRECTORS. (a) Requires the Victoria County Commissioners Court to appoint five temporary directors in a certain manner not later than the 10th day after September 1, 2005.

(b) Requires, if there is a vacancy on the temporary board of directors (board) of the district, the remaining temporary directors to select a qualified person to fill the vacancy. Requires the Victoria County Commissioners Court to appoint the necessary number of persons to fill all vacancies on the board if, at any time, there are fewer than three qualified temporary directors.

(c) Requires a person to be a resident of Victoria County and at least 18 years of age to be eligible to serve as a temporary director.

(d) Sets forth the dates to which temporary directors serve.

Sec. 8812.022. ORGANIZATIONAL MEETING OF TEMPORARY DIRECTORS. Requires, as soon as practicable after all the temporary directors have qualified under Section 36.055 (Sworn Statement, Bond, and Oath of Office), Water Code, a majority of the temporary directors to convene the organizational meeting of the district at a location within the district agreeable to a majority of the directors. Requires, if an agreement on location cannot be reached, the organizational meeting to be at the Victoria County Courthouse. Requires the temporary directors to elect a chair, vice chair, and secretary from among the temporary directors at the meeting.

Sec. 8812.023. CONFIRMATION ELECTION. (a) Requires the temporary board, not later than the 30th day after September 1, 2005, to order an election to be held not later than the 120th day after September 1, 2005, to confirm the creation of the district.

(b) Provides that Section 41.001(a) (relating to dates of general and special elections), Election Code, does not apply to a confirmation election held as provided by this section.

(c) Requires the ballot for the election to be printed to permit voting for or against certain propositions and sets forth the appropriate language for the ballot.

(d) Authorizes the temporary board to include any other proposition on the ballot that it considers necessary.

(e) Requires, except as provided by this section, a confirmation election to be conducted as provided by Section 36.017(b)-(i) (relating to confirmation and directors' elections for a district), Water Code, and the Election Code. Provides that the provision of Section 36.017(d), Water Code, relating to the election of permanent directors does not apply to a confirmation election under this section.

(f) Authorizes the board, if the creation of the district is not confirmed at a confirmation election held under this section, to hold another confirmation election not sooner than the first anniversary of the most recent confirmation election.

Sec. 8812.024. INITIAL DIRECTORS. (a) Provides that, if creation of the district is confirmed at an election held under Section 8812.023, the temporary directors of the district become the initial directors of the district and serve on the board of directors until permanent directors are elected under Section 8812.025.

(b) Provides that the directors for county commissioner precincts one and three serve until the first regularly scheduled election of directors under Section 8812.025. Provides that the directors for precincts two and four and the director at large serve until the second regularly scheduled election of directors under Section 8812.025.

Sec. 8812.025. INITIAL ELECTION OF PERMANENT DIRECTORS. Requires, on the uniform election date prescribed by Section 41.001, Election Code, in November of the first even-numbered year after the year in which the creation of the district is confirmed at an election held under Section 8812.023, an election to be held in the district for the election of two directors to replace the initial directors who, under Section 8812.024(b), serve until that election.

Sec. 8812.026. EXPIRATION OF SUBCHAPTER. Provides that this subchapter expires September 1, 2013.

[Reserves Sections 8812.027-8812.050 for expansion.]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8812.051. DIRECTORS; TERMS. (a) Provides that the district is governed by a board of five directors who serve staggered four-year terms.

Sec. 8812.052. METHOD OF ELECTING DIRECTORS: COMMISSIONERS PRECINCTS. (a) Requires the directors of the district to be elected according to the commissioners precinct method as provided by this section.

(b) Requires one director to be elected by the voters of the entire district, and one director to be elected from each county commissioners precinct by the voters of that precinct.

(c) Requires a person to be at least 18 years of age and a resident of the district, except as provided by Subsection (e), to be eligible to be a candidate for or to serve as director at large. Requires a person to be at least 18 years of age and a resident of that precinct to be a candidate for or to serve as director from a county commissioners precinct.

(d) Requires a person to indicate certain information on the application for a place on the ballot.

(e) Requires a director in office on the effective date of a change in precinct boundaries due to redistricting following each federal decennial census, or a director elected or appointed before the effective date of the change whose term of office begins on or after the effective date of the change, to serve in the precinct to which elected or appointed even though the change in boundaries places the person's residence outside the precinct for which the person was elected or appointed.

Sec. 8812.053. ELECTION DATE. Requires the district to hold an election to elect the appropriate number of directors on the uniform election date prescribed by Section 41.001, Election Code, in November of each even-numbered year.

Sec. 8812.054. VACANCIES. Requires a vacancy on the board to be filled by appointment of the board until the next regularly scheduled directors' election. Requires the person appointed to fill the vacancy to serve only for the remainder of the unexpired term.

[Reserves Sections 8812.055-8812.100 for expansion.]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8812.101. PROHIBITION ON DISTRICT USE OF EMINENT DOMAIN. Prohibits the district from exercising the power of eminent domain.

[Reserves Sections 8812.102-8812.150 for expansion.]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8812.151. LIMITATION ON TAXES. Prohibits the district from imposing ad valorem taxes at a rate that exceeds two cents on each \$100 of assessed valuation of taxable property in the district.

SECTION 2. Repealer: Chapter 1332, Acts of the 77th Legislature, Regular Session, 2001.

SECTION 3. Provides that all the requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 4. Effective date: September 1, 2005.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 27, 2005

TO: Honorable Kenneth Armbrister, Chair, Senate Committee on Natural Resources

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: SB1797 by Armbrister (Relating to the creation of the Victoria County Groundwater Conservation District; providing authority to impose a tax and issue bonds; abolishing the Crossroads Groundwater Conservation District.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, WK, DLBa

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 20, 2005

TO: Honorable Kenneth Armbrister, Chair, Senate Committee on Natural Resources

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: SB1797 by Armbrister (Relating to the creation of the Victoria County Groundwater Conservation District; providing authority to impose a tax and issue bonds; abolishing the Crossroads Groundwater Conservation District.), **As Introduced**

<p>No fiscal implication to the State is anticipated.</p>
--

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, WK, DLBa

The State of Texas,
County of Victoria

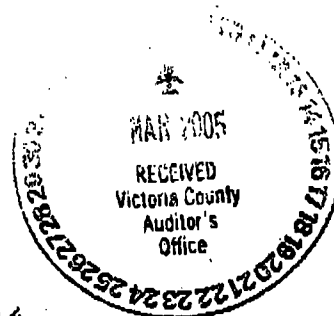
**NOTICE OF INTENT TO
INTRODUCE LEGISLATION**
This is to give notice of intent
to introduce in the 79th Legis-
lature, Regular Session, a bill
to be entitled an Act relating to
creation of the Victoria County
Groundwater Conservation
District within the boundaries
of Victoria County, providing
for powers of the district, an
approval election, and repeal
of the existing Crossroads
Groundwater Conservation
District. This Notice is pro-
vided by the Victoria County
Commissioners Court.
Donald R. Pozzi
(133)

Before me, the undersigned authority, on this day personally appeared Sandra Rodriguez,
who being by me duly sworn, states on oath that she is the Classified Bookkeeper of
the Victoria Advocate, a newspaper published in Victoria, Victoria County, Texas and
generally circulated in Bee, Calhoun, Colorado, Dewitt, Fayette, Goliad, Gonzales,
Jackson, Karnes, Lavaca, Matagorda, Refugio, Wharton & Victoria Counties,
that the attached printed notice in the case of VICTORIA COUNTY JUDGES OFFICE

LEGAL #2005133

was published in The Victoria Advocate on the following dates:

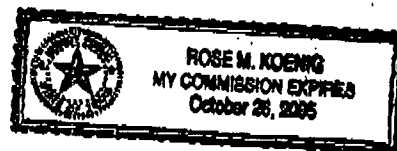
FEBRUARY 16, 2005



Sandra Rodriguez
SANDRA RODRIGUEZ
CLASSIFIED BOOKKEEPER

Sworn to and subscribed before me this 23rd day of FEBRUARY, 2005

Rose M. Koeng
Notary Public in and for Victoria County, Texas



VICTORIA ADVOCATE, Wednesday, February 16, 2005—5B

(133)

**NOTICE OF INTENT TO
INTRODUCE LEGISLATION**
This is to give notice of intent
to introduce in the 79th Legis-
lature, Regular Session, a bill
to be entitled an Act relating to
creation of the Victoria County
Groundwater Conservation
District within the boundaries
of Victoria County, providing
for powers of the district, an
approval election, and repeal
of the existing Crossroads
Groundwater Conservation
District. This Notice is pro-
vided by the Victoria County
Commissioners Court.
Donald R. Pozzi
(133)

REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

SENATOR CHRIS HARRIS, CHAIRMAN
SENATE COMMITTEE ON ADMINISTRATION

Notice is hereby given that SB 1797, by Armbrister,
(Bill No.) (Author/Sponsor)

was heard by the Committee on Natural Resources on 4/26,
2005,

and reported out with the recommendation that it be placed on the Local and Uncontested Calendar.

Kelly C. Millett
(Clerk of the reporting committee)

IMPORTANT: A COPY OF THIS FORM MUST BE ATTACHED TO A COMMITTEE PRINTED VERSION OF THE BILL OR RESOLUTION AND SHOULD BE DELIVERED TO THE ADMINISTRATION COMMITTEE OFFICE, E1.714. DEADLINES FOR SUBMITTING BILLS AND RESOLUTIONS WILL BE ANNOUNCED ON A REGULAR BASIS.

DOPTED

31-0
MAY 10 2005

Letay Spaul
Secretary of the Senate

By: Armbrister

S.B. No. 1797

Substitute the following for S.B. No. 1797:

By: [Signature]

C.S. S.B. No. 1797

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Victoria County Groundwater Conservation District; providing authority to impose a tax and issue bonds; abolishing the Crossroads Groundwater Conservation District.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle H, Title 6, Special District Local Laws Code, is amended by adding Chapter 8812 to read as follows:

CHAPTER 8812. VICTORIA COUNTY GROUNDWATER

CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8812.001. DEFINITIONS. In this chapter:

(1) "Board" means the board of directors of the district.

(2) "Director" means a member of the board.

(3) "District" means the Victoria County Groundwater Conservation District.

Sec. 8812.002. NATURE OF DISTRICT. The district is a groundwater conservation district in Victoria County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8812.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held before September 1, 2010:

4-29-05 *[Signature]*
5-9-05 Cce

1 (1) the district is dissolved on September 1, 2010,
2 except that:

3 (A) any debts incurred shall be paid;

4 (B) any assets that remain after the payment of
5 debts shall be transferred to Victoria County; and

6 (C) the organization of the district shall be
7 maintained until all debts are paid and remaining assets are
8 transferred; and

9 (2) this chapter expires on September 1, 2013.

10 Sec. 8812.004. INITIAL DISTRICT TERRITORY. The initial
11 boundaries of the district are coextensive with the boundaries
12 of Victoria County, Texas.

13 Sec. 8812.005. APPLICABILITY OF OTHER GROUNDWATER
14 CONSERVATION DISTRICT LAW. Except as otherwise provided by this
15 chapter, Chapter 36, Water Code, applies to the district.

16 [Sections 8812.006-8812.020 reserved for expansion]

17 SUBCHAPTER A-1. TEMPORARY PROVISIONS

18 Sec. 8812.021. APPOINTMENT OF TEMPORARY DIRECTORS. (a)
19 Not later than the 10th day after September 1, 2005, the
20 Victoria County Commissioners Court shall appoint five temporary
21 directors as follows:

22 (1) one temporary director shall be appointed from
23 each of the four commissioner precincts in the county to
24 represent the precinct in which the temporary director resides;
25 and

26 (2) one temporary director who resides in the
27 district shall be appointed to represent the district at large.

1 (b) If there is a vacancy on the temporary board of^{2/3}
2 directors of the district, the remaining temporary directors
3 shall select a qualified person to fill the vacancy. If, at any
4 time, there are fewer than three qualified temporary directors,
5 the Victoria County Commissioners Court shall appoint the
6 necessary number of persons to fill all vacancies on the board.

7 (c) To be eligible to serve as a temporary director, a
8 person must be a resident of Victoria County and at least 18
9 years of age.

10 (d) Temporary directors serve until the earlier of:

11 (1) the time the temporary directors become initial
12 directors as provided by Section 8812.024; or

13 (2) the date this chapter expires under Section
14 8812.003.

15 Sec. 8812.022. ORGANIZATIONAL MEETING OF TEMPORARY
16 DIRECTORS. As soon as practicable after all the temporary
17 directors have qualified under Section 36.055, Water Code, a
18 majority of the temporary directors shall convene the
19 organizational meeting of the district at a location within the
20 district agreeable to a majority of the directors. If an
21 agreement on location cannot be reached, the organizational
22 meeting shall be at the Victoria County Courthouse. At the
23 meeting, the temporary directors shall elect a chair, vice
24 chair, and secretary from among the temporary directors.

25 Sec. 8812.023. CONFIRMATION ELECTION. (a) Not later than
26 the 30th day after September 1, 2005, the temporary board shall
27 order an election to be held not later than the 120th day after

1 September 1, 2005, to confirm the creation of the district. ^{3/4}

2 (b) Section 41.001(a), Election Code, does not apply to a
3 confirmation election held as provided by this section.

4 (c) The ballot for the election must be printed to permit
5 voting for or against the following proposition: "The creation
6 of the Victoria County Groundwater Conservation District and the
7 imposition of an ad valorem tax in the district at a rate not to
8 exceed two cents for each \$100 of assessed valuation."

9 (d) The temporary board may include any other proposition
10 on the ballot that it considers necessary.

11 (e) Except as provided by this section, a confirmation
12 election must be conducted as provided by Section 36.017(b)-(i),
13 Water Code, and the Election Code. The provision of Section
14 36.017(d), Water Code, relating to the election of permanent
15 directors does not apply to a confirmation election under this
16 section.

17 (f) If the creation of the district is not confirmed at a
18 confirmation election held under this section, the board may
19 hold another confirmation election not sooner than the first
20 anniversary of the most recent confirmation election.

21 Sec. 8812.024. INITIAL DIRECTORS. (a) If creation of the
22 district is confirmed at an election held under Section
23 8812.023, the temporary directors of the district become the
24 initial directors of the district and serve on the board of
25 directors until permanent directors are elected under Section
26 8812.025.

27 (b) The directors for county commissioner precincts one

1 and three serve until the first regularly scheduled election of
 2 directors under Section 8812.025. The directors for precincts
 3 two/and four and the director at large serve until the second
 4 regularly scheduled election of directors under Section
 5 8812.025.

6 Sec. 8812.025. INITIAL ELECTION OF PERMANENT DIRECTORS.
 7 On the uniform election date prescribed by Section 41.001,
 8 Election Code, in November of the first even-numbered year after
 9 the year in which the creation of the district is confirmed at
 10 an election held under Section 8812.023, an election shall be
 11 held in the district for the election of two directors to
 12 replace the initial directors who, under Section 8812.024(b),
 13 serve until that election.

14 Sec. 8812.026. EXPIRATION OF SUBCHAPTER. This subchapter
 15 expires September 1, 2013.

16 [Sections 8812.027-8812.050 reserved for expansion]

17 SUBCHAPTER B. BOARD OF DIRECTORS

18 Sec. 8812.051. DIRECTORS; TERMS. (a) The district is
 19 governed by a board of five directors.

20 (b) Directors serve staggered four-year terms.

21 Sec. 8812.052. METHOD OF ELECTING DIRECTORS:
 22 COMMISSIONERS PRECINCTS. (a) The directors of the district
 23 shall be elected according to the commissioners precinct method
 24 as provided by this section.

25 (b) One director shall be elected by the voters of the
 26 entire district, and one director shall be elected from each
 27 county commissioners precinct by the voters of that precinct.

5/6

1 (c) Except as provided by Subsection (e), to be eligible
2 to be a candidate for or to serve as director at large, a person
3 must be at least 18 years of age and a resident of the district.
4 To be a candidate for or to serve as director from a county
5 commissioners/precinct, a person must be at least 18 years of
6 age and a resident of that precinct.

7 (d) A person shall indicate on the application for a place
8 on the ballot:

9 (1) the precinct that the person seeks to represent;
10 or

11 (2) that the person seeks to represent the district
12 at large.

13 (e) When the boundaries of the county commissioners
14 precincts are redrawn after each federal decennial census to
15 reflect population changes, a director in office on the
16 effective date of the change, or a director elected or appointed
17 before the effective date of the change whose term of office
18 begins on or after the effective date of the change, shall serve
19 in the precinct to which elected or appointed even though the
20 change in boundaries places the person's residence outside the
21 precinct for which the person was elected or appointed.

22 Sec. 8812.053. ELECTION DATE. The district shall hold an
23 election to elect the appropriate number of directors on the
24 uniform election date prescribed by Section 41.001, Election
25 Code, in November of each even-numbered year.

26 Sec. 8812.054. VACANCIES. A vacancy on the board shall be
27 filled by appointment of the board until the next regularly

1 scheduled directors' election. The person appointed to fill the
2 vacancy shall serve only for the remainder of the unexpired
3 term.

4 [Sections 8812.055-8812.100 reserved for expansion] 6/7

5 SUBCHAPTER C. POWERS AND DUTIES

6 Sec. 8812.101. PROHIBITION ON DISTRICT USE OF EMINENT
7 DOMAIN. The district may not exercise the power of eminent
8 domain.

9 [Sections 8812.102-8812.150 reserved for expansion]

10 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

11 Sec. 8812.151. LIMITATION ON TAXES. The district may not
12 impose ad valorem taxes at a rate that exceeds two cents on each
13 \$100 of assessed valuation of taxable property in the district.

14 SECTION 2. Chapter 1332, Acts of the 77th Legislature,
15 Regular Session, 2001, is repealed.

16 SECTION 3. (a) The legal notice of the intention to
17 introduce this Act, setting forth the general substance of this
18 Act, has been published as provided by law, and the notice and a
19 copy of this Act have been furnished to all persons, agencies,
20 officials, or entities to which they are required to be
21 furnished under Section 59, Article XVI, Texas Constitution, and
22 Chapter 313, Government Code.

23 (b) The governor has submitted the notice and Act to the
24 Texas Commission on Environmental Quality.

25 (c) The Texas Commission on Environmental Quality has
26 filed its recommendations relating to this Act with the
27 governor, lieutenant governor, and speaker of the house of

1 representatives within the required time.

2 (d) All requirements of the constitution and laws of this
3 state and the rules and procedures of the legislature with
4 respect to the notice, introduction, and passage of this Act are
5 fulfilled and accomplished. 7/8

6 SECTION 4. This Act takes effect September 1, 2005.

7

By: Armbrister

S.B. No. 1797

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Victoria County Groundwater Conservation District; providing authority to impose a tax and issue bonds; abolishing the Crossroads Groundwater Conservation District.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle H, Title 6, Special District Local Laws Code, is amended by adding Chapter 8812 to read as follows:

CHAPTER 8812. VICTORIA COUNTY GROUNDWATER

CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8812.001. DEFINITIONS. In this chapter:

(1) "Board" means the board of directors of the district.

(2) "Director" means a member of the board.

(3) "District" means the Victoria County Groundwater Conservation District.

Sec. 8812.002. NATURE OF DISTRICT. The district is a groundwater conservation district in Victoria County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8812.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held before September 1, 2010:

1 (1) the district is dissolved on September 1, 2010,
2 except that:

3 (A) any debts incurred shall be paid;

4 (B) any assets that remain after the payment of
5 debts shall be transferred to Victoria County; and

6 (C) the organization of the district shall be
7 maintained until all debts are paid and remaining assets are
8 transferred; and

9 (2) this chapter expires on September 1, 2013.

10 Sec. 8812.004. INITIAL DISTRICT TERRITORY. The initial
11 boundaries of the district are coextensive with the boundaries of
12 Victoria County, Texas.

13 Sec. 8812.005. APPLICABILITY OF OTHER GROUNDWATER
14 CONSERVATION DISTRICT LAW. Except as otherwise provided by this
15 chapter, Chapter 36, Water Code, applies to the district.

16 [Sections 8812.006-8812.020 reserved for expansion]

17 SUBCHAPTER A-1. TEMPORARY PROVISIONS

18 Sec. 8812.021. APPOINTMENT OF TEMPORARY DIRECTORS.

19 (a) Not later than the 10th day after September 1, 2005, the
20 Victoria County Commissioners Court shall appoint five temporary
21 directors as follows:

22 (1) one temporary director shall be appointed from
23 each of the four commissioner precincts in the county to represent
24 the precinct in which the temporary director resides; and

25 (2) one temporary director who resides in the district
26 shall be appointed to represent the district at large.

27 (b) If there is a vacancy on the temporary board of

1 directors of the district, the remaining temporary directors shall
2 select a qualified person to fill the vacancy. If, at any time,
3 there are fewer than three qualified temporary directors, the
4 Victoria County Commissioners Court shall appoint the necessary
5 number of persons to fill all vacancies on the board.

6 (c) To be eligible to serve as a temporary director, a
7 person must be a resident of Victoria County and at least 18 years
8 of age.

9 (d) Temporary directors serve until the earlier of:

10 (1) the time the temporary directors become initial
11 directors as provided by Section 8812.024; or

12 (2) the date this chapter expires under Section
13 8812.003.

14 Sec. 8812.022. ORGANIZATIONAL MEETING OF TEMPORARY
15 DIRECTORS. As soon as practicable after all the temporary
16 directors have qualified under Section 36.055, Water Code, a
17 majority of the temporary directors shall convene the
18 organizational meeting of the district at a location within the
19 district agreeable to a majority of the directors. If an agreement
20 on location cannot be reached, the organizational meeting shall be
21 at the Victoria County Courthouse. At the meeting, the temporary
22 directors shall elect a chair, vice chair, and secretary from among
23 the temporary directors.

24 Sec. 8812.023. CONFIRMATION ELECTION. (a) Not later than
25 the 30th day after September 1, 2005, the temporary board shall
26 order an election to be held not later than the 120th day after
27 September 1, 2005, to confirm the creation of the district.

1 (b) Section 41.001(a), Election Code, does not apply to a
2 confirmation election held as provided by this section.

3 (c) The ballot for the election must be printed to permit
4 voting for or against the following proposition: "The creation of
5 the Victoria County Groundwater Conservation District and the
6 imposition of an ad valorem tax in the district at a rate not to
7 exceed two cents for each \$100 of assessed valuation."

8 (d) The temporary board may include any other proposition on
9 the ballot that it considers necessary.

10 (e) Except as provided by this section, a confirmation
11 election must be conducted as provided by Section 36.017(b)-(i),
12 Water Code, and the Election Code. The provision of Section
13 36.017(d), Water Code, relating to the election of permanent
14 directors does not apply to a confirmation election under this
15 section.

16 (f) If the creation of the district is not confirmed at a
17 confirmation election held under this section, the board may hold
18 another confirmation election not sooner than the first anniversary
19 of the most recent confirmation election.

20 Sec. 8812.024. INITIAL DIRECTORS. (a) If creation of the
21 district is confirmed at an election held under Section 8812.023,
22 the temporary directors of the district become the initial
23 directors of the district and serve on the board of directors until
24 permanent directors are elected under Section 8812.025.

25 (b) The directors for county commissioner precincts one and
26 three serve until the first regularly scheduled election of
27 directors under Section 8812.025. The directors for precincts two

1 and four and the director at large serve until the second regularly
2 scheduled election of directors under Section 8812.025.

3 Sec. 8812.025. INITIAL ELECTION OF PERMANENT DIRECTORS. On
4 the uniform election date prescribed by Section 41.001, Election
5 Code, in November of the first even-numbered year after the year in
6 which the creation of the district is confirmed at an election held
7 under Section 8812.023, an election shall be held in the district
8 for the election of two directors to replace the initial directors
9 who, under Section 8812.024(b), serve until that election.

10 Sec. 8812.026. EXPIRATION OF SUBCHAPTER. This subchapter
11 expires September 1, 2013.

12 [Sections 8812.027-8812.050 reserved for expansion]

13 SUBCHAPTER B. BOARD OF DIRECTORS

14 Sec. 8812.051. DIRECTORS; TERMS. (a) The district is
15 governed by a board of five directors.

16 (b) Directors serve staggered four-year terms.

17 Sec. 8812.052. METHOD OF ELECTING DIRECTORS: COMMISSIONERS
18 PRECINCTS. (a) The directors of the district shall be elected
19 according to the commissioners precinct method as provided by this
20 section.

21 (b) One director shall be elected by the voters of the
22 entire district, and one director shall be elected from each county
23 commissioners precinct by the voters of that precinct.

24 (c) Except as provided by Subsection (e), to be eligible to
25 be a candidate for or to serve as director at large, a person must be
26 at least 18 years of age and a resident of the district. To be a
27 candidate for or to serve as director from a county commissioners

1 precinct, a person must be at least 18 years of age and a resident of
2 that precinct.

3 (d) A person shall indicate on the application for a place
4 on the ballot:

5 (1) the precinct that the person seeks to represent;
6 or

7 (2) that the person seeks to represent the district at
8 large.

9 (e) When the boundaries of the county commissioners
10 precincts are redrawn after each federal decennial census to
11 reflect population changes, a director in office on the effective
12 date of the change, or a director elected or appointed before the
13 effective date of the change whose term of office begins on or after
14 the effective date of the change, shall serve in the precinct to
15 which elected or appointed even though the change in boundaries
16 places the person's residence outside the precinct for which the
17 person was elected or appointed.

18 Sec. 8812.053. ELECTION DATE. The district shall hold an
19 election to elect the appropriate number of directors on the
20 uniform election date prescribed by Section 41.001, Election Code,
21 in November of each even-numbered year.

22 Sec. 8812.054. VACANCIES. A vacancy on the board shall be
23 filled by appointment of the board until the next regularly
24 scheduled directors' election. The person appointed to fill the
25 vacancy shall serve only for the remainder of the unexpired term.

26 [Sections 8812.055-8812.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8812.101. PROHIBITION ON DISTRICT USE OF EMINENT DOMAIN. The district may not exercise the power of eminent domain.

[Sections 8812.102-8812.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8812.151. LIMITATION ON TAXES. The district may not impose ad valorem taxes at a rate that exceeds two cents on each \$100 of assessed valuation of taxable property in the district.

SECTION 2. Chapter 1332, Acts of the 77th Legislature, Regular Session, 2001, is repealed.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

S.B. No. 1797

1 SECTION 4. This Act takes effect September 1, 2005.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 27, 2005

TO: Honorable Kenneth Armbrister, Chair, Senate Committee on Natural Resources

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: SB1797 by Armbrister (Relating to the creation of the Victoria County Groundwater Conservation District; providing authority to impose a tax and issue bonds; abolishing the Crossroads Groundwater Conservation District.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, WK, DLBa

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 20, 2005

TO: Honorable Kenneth Armbrister, Chair, Senate Committee on Natural Resources

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: SB1797 by Armbrister (Relating to the creation of the Victoria County Groundwater Conservation District; providing authority to impose a tax and issue bonds; abolishing the Crossroads Groundwater Conservation District.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, WK, DLBa

The State of Texas,
County of Victoria

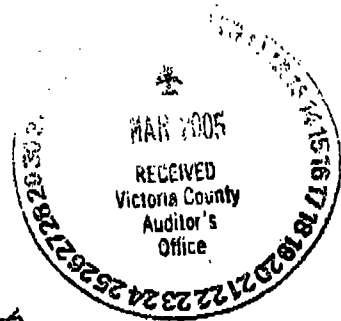
**NOTICE OF INTENT TO
INTRODUCE LEGISLATION**
This is to give notice of intent
to introduce in the 79th Legis-
lature, Regular Session, a bill
to be entitled an Act relating to
creation of the Victoria County
Groundwater Conservation
District within the boundaries
of Victoria County, providing
for powers of the district, an
approval election, and repeal
of the existing Crossroads
Groundwater Conservation
District. This Notice is pro-
vided by the Victoria County
Commissioners Court.
Donald R. Pozzi
(133)

Before me, the undersigned authority, on this day personally appeared Sandra Rodriguez,
who being by me duly sworn, states on oath that she is the Classified Bookkeeper of
the Victoria Advocate, a newspaper published in Victoria, Victoria County, Texas and
generally circulated in Bee, Calhoun, Colorado, Dewitt, Fayette, Goliad, Gonzales,
Jackson, Karnes, Lavaca, Matagorda, Refugio, Wharton & Victoria Counties,
that the attached printed notice in the case of VICTORIA COUNTY JUDGES OFFICE

LEGAL #2005133

was published in The Victoria Advocate on the following dates:

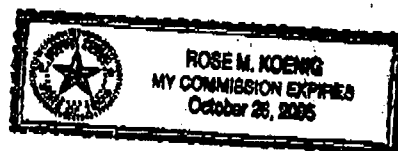
FEBRUARY 16, 2005



Sandra Rodriguez
SANDRA RODRIGUEZ
CLASSIFIED BOOKKEEPER

Sworn to and subscribed before me this 23rd day of FEBRUARY, 2005

Rose M. Koenig
Notary Public in and for Victoria County, Texas



VICTORIA ADVOCATE, Wednesday, February 16, 2005—5B

**NOTICE OF INTENT TO
INTRODUCE LEGISLATION**

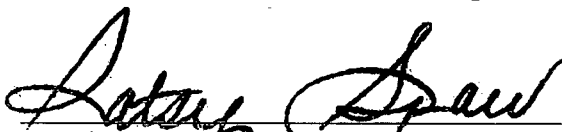
This is to give notice of intent to introduce in the 79th Legislature, Regular Session, a bill to be entitled an Act relating to creation of the Victoria County Groundwater Conservation District within the boundaries of Victoria County, providing for powers of the district, an approval election, and repeal of the existing Crossroads Groundwater Conservation District. This Notice is provided by the Victoria County Commissioners Court.
Donald R. Pozzi
(133)

A BILL TO BE ENTITLED

AN ACT:

relating to the creation of the Victoria County Groundwater Conservation District; providing authority to impose a tax and issue bonds; abolishing the Crossroads Groundwater Conservation District.

MAR 30 2005 Filed with the Secretary of the Senate **NATURAL RESOURCES**
APR 29 2005 Read and referred to Committee on _____
Reported favorably _____
MAY 10 2005 Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.
Ordered not printed
Laid before the Senate
Senate and Constitutional Rules to permit consideration suspended by: { unanimous consent
_____ years, _____ nays
MAY 10 2005 Read second time, _____, and ordered engrossed by: { ~~unanimous consent~~
a viva voce vote
_____ years, _____ nays
MAY 10 2005 Senate and Constitutional 3 Day Rule suspended by a vote of 31 yeas, 0 nays.
MAY 10 2005 Read third time, _____, and passed by: { A viva voce vote
31 yeas, 0 nays


SECRETARY OF THE SENATE

OTHER ACTION:

May 10, 2005 Engrossed
May 10, 2005 Sent to House

Engrossing Clerk



MAY 10 2005 Received from the Senate
MAY 10 2005 Read first time and referred to Committee on Natural Resources
Reported _____ favorably (as amended) (as substituted)
Sent to Committee on (Calendars) (Local & Consent Calendars)
Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)
Constitutional rule requiring bills to be read on three several days suspended (failed to suspend) by a vote of _____ yeas, _____ nays, _____ present, not voting.
Read third time (amended); finally passed (failed to pass) by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)
Returned to Senate.
Returned from House without amendment.
Returned from House with _____ amendments.
Concurred in House amendments by a viva voce vote _____ yeas, _____ nays.

CHIEF CLERK OF THE HOUSE

_____ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

_____ Senate conferees instructed.

_____ Senate conferees appointed: _____, Chairman; _____
_____, _____, and _____

_____ House granted Senate request. House conferees appointed: _____, Chairman;
_____, _____, _____.

_____ Conference Committee Report read and filed with the Secretary of the Senate.

_____ Conference Committee Report adopted on the part of the House by: _____

{ a viva voce vote
_____ yeas, _____ nays

_____ Conference Committee Report adopted on the part of the Senate by:

{ a viva voce vote
_____ yeas, _____ nays

OTHER ACTION:

_____ Recommitted to Conference Committee

_____ Conferees discharged.

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
_____ yeas, _____ nays